

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 3, 2006

CALL TO PODIUM:

Trudy Schwarz

RESPONSIBLE STAFF:

**Trudy Schwarz, Community
Planning Director**

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
x	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	11/16/2005
	11/23/2005
	12/14/2006
	12/21/2006
Hearing Date	01/03/2006
Record Held Open	
Policy Discussion	

TITLE:**JOINT PUBLIC HEARING**

T-371 - This is a proposal to amend City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," § 24-160G-5, entitled, "Waiver of Development Standards," to modify § 24-160G.5(A) to permit waiver of height requirements by the City Council for properties located in an employment district, a commercial district or a residential district.

SUPPORTING BACKGROUND:

A letter with attachments (Exhibit #3), dated August 22, 2005, was submitted to the Mayor and City Council by Jody Kline on behalf of client requesting a revision to the Zoning Ordinance related to height limitations in the C-D Zone.

The proposed text amendment would allow in buildings to be built up to eight stories in all of the Frederick Avenue Corridor Districts. The existing language only allows eight (8) story buildings in the Employment District (North of Montgomery Village Avenue) of the Corridor. A map is including showing all the districts of the Corridor (Exhibit #7).

Staff suggests that the Planning Commission hold its record open for 21 days and the City Council hold its record open for 31 days.



Presentation: 2 Minutes

Attachments: Index of Memoranda and Exhibits

(Originally scheduled for December 5, 2005. Meeting which was cancelled due to inclement weather)

DESIRED OUTCOME:

Planning Commission-record open 21 days, close January 24, 2005

City Council-record open 31 days, close January 6, 2006

Planning Commission recommendation-February 1, 2006

City Council-policy discussion February 21, 2006

INDEX OF MEMORANDA

T-371

1. Application
2. Draft Ordinance
3. Letter from Jody Kline, Esq. to Mayor and City Council, dated August 22, 2005, requesting the text amendment and a draft ordinance attached.
4. Letter to Gaithersburg Gazette dated October 21, 2005, requesting a Legal Ad for October 26 and November 2, 2005, issues. Fax and email printed communications re same.
5. Letter to Gaithersburg Gazette dated November 7, 2005, requesting a Legal Ad for November 16 and 23, 2005, issues. Fax and email printed communications re same.
6. Notice of November 16, 2005, joint public hearing to interested parties. Labels for people notified. Corrected Date of Notice of Joint public hearing
7. Frederick Avenue Corridor District Map
8. Mayor and Council Cover Sheet for December 5, 2005, Joint Public Hearing
9. Letter to Gaithersburg Gazette dated December 7, 2005, requesting a Legal Ad for December 14 and 21, 2005, issues. Fax and email printed communications re same.
10. Notice of December 7, 2005, joint public hearing to interested parties. Labels for people notified. Rescheduled Date of Joint public hearing
11. Mayor and Council Cover Sheet for January 3, 2005, Joint Public Hearing

TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,
Section 24-194, 195, 197, and 198 of the City Code

Application Number	T-371
Filing Date	09/28/2005
P.C. Hearing	Jt Plt
M&C Hearing	Nov. 14, 2005
Decision	
Decision Date	

Application is hereby made to the

- ☒ City Planning Commission, or
☒ Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article III, Section 24-160G.5(a)
to be amended per the attached ordinance.

Applicant/Staff Person Mayor & City Council/ Trudy Schwarz Date _____

Address 31 South Summit Avenue Gaithersburg MD 20877



ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE,
ENTITLED, "ZONING", ARTICLE III, ENTITLED,
"REGULATIONS APPLICABLE TO PARTICULAR ZONES,"
DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT,"
SECTION 24-160G-5, ENTITLED, "WAIVER OF DEVELOPMENT
STANDARDS," TO MODIFY SECTION 24-160G.5(a) TO PERMIT
WAIVER OF HEIGHT REQUIREMENTS BY THE CITY COUNCIL FOR
PROPERTIES LOCATED IN AN EMPLOYMENT DISTRICT,
A COMMERCIAL DISTRICT OR A RESIDENTIAL DISTRICT

Text Amendment T-371

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance), Article III, is amended as follows:

DIVISION 22. CD, Corridor Development Zone

* * *

Section 24-160G.5. Waiver of Development Standards

- (a) The City Council may, by resolution, waive the building and structure height requirements in the corridor development zone (CD zone) [~~for an employment district only~~] and allow a height not to exceed eight (8) stories and [~~or~~] ninety (90) feet, upon a finding that:
- (1) The applicant will provide either on-site public amenities to further enhance the corridor development zone and the purposes of the CD Zone.
 - (2) The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and
 - (3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

* * *

Boldface
Underlining
[Single boldface brackets and strike-through]
* * *

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Existing law unaffected by bill.



ADOPTED this _____ day of _____, 2006, by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this _____ day of _____, 2006. APPROVED/ VETOED by the Mayor of the City of Gaithersburg, this _____ day of _____, 2006.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2006, and the same was approved by the Mayor of the City of Gaithersburg on the _____ day of _____, 2006. This Ordinance will become effective on the _____ day of _____, 2006.

DAVID B. HUMPTON, City Manager

Boldface

Underlining

~~[Single boldface brackets and strike through]~~

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Existing law unaffected by bill.

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

JSKLINE@MMCANBY.COM

PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
GLENN M. ANDERSON
DONNA E. McBRIDE
MICHAEL G. CAMPBELL
SOO LEE-CHO

August 22, 2005

Mayor and City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

RE: Proposed Zoning Ordinance Text Amendment
To amend Section 24-160G.5(a) of the City Zoning Ordinance;

Dear Mayor Katz and Members of the City Council:

We have a client which is considering a redevelopment opportunity in the City of Gaithersburg, a project which would best be accomplished under the provisions of the Corridor Development (CD) Zone in accordance with the recommendations contained in the Frederick Avenue Corridor Land Use Plan.

In reviewing the CD zone, in particular Section 24-160G.5(a), it has been noted that the City Council can waive height requirements, but "...for an employment district only..." (Section 24-160G.5(a)). That restriction means that the City Council can consider relief in building height only in the "Northern Employment District" as designated in the Frederick Avenue Corridor Land Use Plan. Therefore, height limits are restricted in the "Fairgrounds Commercial District" to 4 stories/45 feet in height and in the "Southern Residential District" to 3 stories/35 feet in height.

The City may find it advantageous to extend the authority of the Council to waive building and height requirements to the "Fairgrounds Commercial District" and the "Southern Residential District" rather than limit this flexibility only to use in the "Northern Employment District". Such action would substantially facilitate an important redevelopment project being considered for the "Southern Residential District".

If the City Council would accept and introduce the attached Zoning Ordinance Text Amendment for public hearing, we would be pleased to take that opportunity to provide you with a full explanation about the advantages of such a course of action and will describe at least one project which would benefit from this proposed Zoning Ordinance Text Amendment.



Thank you for your consideration of this request.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The signature is written in a bold, slightly stylized cursive font. The first name "Jody" is written with a large, sweeping "J" that extends under the "o". The last name "Kline" is written in a similar style, with a prominent "K" and "L".

Jody S. Kline

JSK/dlt

Enclosure

cc: Fred Felton
Greg Ossont
Trudy Schwarz
Mark Coletta
Jay Johnson
Graham Brock
Steve Gang
Chuck Irish
Bill Landfair

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED "ZONING", ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES", DIVISION 22, ENTITLED "CD ZONE, CORRIDOR DEVELOPMENT", SECTION 24-160G-5 ENTITLED "WAIVER OF DEVELOPMENT STANDARDS" TO MODIFY SECTION 24-160G.5(a) TO PERMIT WAIVER OF HEIGHT REQUIREMENTS BY THE CITY COUNCIL FOR PROPERTIES LOCATED IN AN EMPLOYMENT DISTRICT, A COMMERCIAL DISTRICT, OR A RESIDENTIAL DISTRICT.

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article III, is amended as follows:

DIVISION 2. CD, Corridor Development Zone

* * *

Section 24-160G.5. Waiver of Development Standards

* * *

- (a) The City Council may, by resolution, waive the building and structure height requirements in the corridor development zone (CD zone) ~~for an employment district only~~ and allow a height not to exceed eight (8) stories, or ninety (90) feet, upon a finding that:

"(1) The applicant will provide either on-site public amenities to further enhance the corridor development zone and the purposes of the CD Zone".

ADOPTED this _____ day of _____, 2005, by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council



October 21, 2005

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **October 26 and November 2, 2005**, issues of the *Gaithersburg Gazette*.

Sincerely,

Trudy Schwarz, Community Planning Director
Planning and Code Administration

ASSIGN CODE: T-371 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-371, filed by Trudy Schwarz on behalf of the Mayor and City Council, on

**MONDAY
NOVEMBER 14, 2005
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests amendment of City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, Entitled, "CD Zone, Corridor Development," Section 24-160G-5, entitled, "Waiver of Development Standards," to modify Section 24-160G.5(A) to Permit Waiver of Height Requirements by the City Council for Properties Located in an Employment District, a Commercial District or a Residential District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Trudy Schwarz, Community Planning Director
Planning and Code Administration
TS/mg



City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Blanche H. Keller
Henry E. Marraffa, Jr.
John B. Schlichting

CITY MANAGER
David B. Humpton



November 7, 2005

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **November 16 and November 23, 2005**, issues of the *Gaithersburg Gazette*.

Sincerely,

Trudy Schwarz, Community Planning Director
Planning and Code Administration

ASSIGN CODE: T-371 Acct# 133649

**NOTICE OF PUBLIC HEARING
NEW HEARING DATE**

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-371, filed by Trudy Schwarz on behalf of the Mayor and City Council, on

**MONDAY
DECEMBER 5, 2005
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests amendment of City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, Entitled, "CD Zone, Corridor Development," Section 24-160G-5, entitled, "Waiver of Development Standards," to modify Section 24-160G.5(A) to Permit Waiver of Height Requirements by the City Council for Properties Located in an Employment District, a Commercial District or a Residential District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday

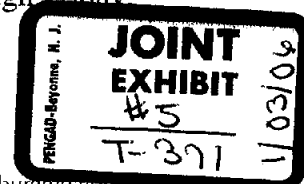
Trudy Schwarz, Community Planning Director
Planning and Code Administration
TS/mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Blanche H. Keller
Henry F. Marraffa, Jr.
John B. Schlichting

CITY MANAGER
David B. Hampton





Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF RESCHEDULED JOINT PUBLIC HEARING

(Originally scheduled for November 14)

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: MAYOR AND CITY COUNCIL
Application Type: TEXT AMENDMENT
File Number: T-371
Applicant: TRUDY SCHWARZ FOR MAYOR AND COUNCIL
Day/ Date/Time: MONDAY, DECEMBER 5, 2005, AT 7:30 P.M.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

*****IMPORTANT*****

This is a proposal to amend City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," § 24-160G-5, entitled, "Waiver of Development Standards," to modify § 24-160G.5(A) to permit waiver of height requirements by the City Council for properties located in an employment district, a commercial district or a residential district. This is an opportunity to publicly participate, other than providing written testimony that must be submitted before the public hearing record closes. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By: Trudy M.W. Schwarz (M&S)
Trudy M.W. Schwarz, Community Planning Dir.
Planning and Code Administration



NOTICES SENT THIS 16TH OF NOVEMBER, 2005, TO:

INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Cathy Borten, City Attorney
Britta Monaco, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

December 5, 2005

CALL TO PODIUM:

Trudy Schwarz

RESPONSIBLE STAFF:

Trudy Schwarz, Community
Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<input checked="" type="checkbox"/>	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item
is a public hearing)

Introduced	NA
Advertised	11/16/2005
	11/23/2005
Hearing Date	12/05/2005
Record Held Open	
Policy Discussion	

TITLE:

JOINT PUBLIC HEARING

T-371 - This is a proposal to amend City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," § 24-160G-5, entitled, "Waiver of Development Standards," to modify § 24-160G.5(A) to permit waiver of height requirements by the City Council for properties located in an employment district, a commercial district or a residential district.

SUPPORTING BACKGROUND:

A letter with attachments (Exhibit #3), dated August 22, 2005, was submitted to the Mayor and City Council by Jody Kline on behalf of client requesting a revision to the Zoning Ordinance related to height limitations in the C-D Zone.

The proposed text amendment would allow in buildings to be built up to eight stories in all of the Frederick Avenue Corridor Districts. The existing language only allows eight (8) story buildings in the Employment District (North of Montgomery Village Avenue) of the Corridor. A map is including showing all the districts of the Corridor (Exhibit #7).

Staff suggests that the Planning Commission hold its record open for 21 days and the City Council hold its record open for 31 days.



Presentation: 2 Minutes

Attachments: Index of Memoranda and Exhibits

DESIRED OUTCOME:

Planning Commission-record open 21 days, close December 27, 2005

City Council-record open 31 days, close January 6, 2006

Planning Commission recommendation-January 4, 2006

City Council-policy discussion January 17, 2006



December 7, 2005

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **December 14 and 21, 2005**, issues of the *Gaithersburg Gazette*.

Sincerely,

Trudy Schwarz, Community Planning Director
Planning and Code Administration

ASSIGN CODE: T-371 Acct# 133649

**NOTICE OF PUBLIC HEARING
NEW HEARING DATE**

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-371, filed by Trudy Schwarz on behalf of the Mayor and City Council, on

**TUESDAY
JANUARY 3, 2006
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests amendment of City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, Entitled, "CD Zone, Corridor Development," Section 24-160G-5, entitled, "Waiver of Development Standards," to modify Section 24-160G.5(A) to Permit Waiver of Height Requirements by the City Council for Properties Located in an Employment District, a Commercial District or a Residential District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

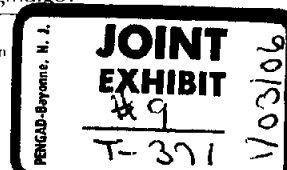
Trudy Schwarz, Community Planning Director
Planning and Code Administration
TS/mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley I. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Michael A. Sesma

CITY MANAGER
David B. Hampton





Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF RESCHEDULED JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **TEXT AMENDMENT**
File Number: **T-371**
Applicant: **TRUDY SCHWARZ FOR MAYOR AND COUNCIL**
Day/ Date/Time: **TUESDAY, JANUARY 3, 2006, AT 7:30 P.M.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*****IMPORTANT*****

This is a proposal to amend City Code Chapter 24, entitled, "Zoning," Article VIII, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," § 24-160G-5, entitled, "Waiver of Development Standards," to modify § 24-160G.5(A) to permit waiver of height requirements by the City Council for properties located in an employment district, a commercial district or a residential district. This is an opportunity to publicly participate, other than providing written testimony that must be submitted before the public hearing record closes. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By:

Trudy Schwarz

Trudy M.W. Schwarz, Community Planning Dir.
Planning and Code Administration



NOTICES SENT THIS 7TH OF DECEMBER, 2006, TO:

INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Cathy Borten, City Attorney
Britta Monaco, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

FREDERICK AVENUE CORRIDOR

KEY PLAN

